

THE KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY MINUTES
November 10, 2011

A meeting of the Board of Examiners of Psychology was held on November 10, 2011 at the Hilton Downtown in Lexington, KY.

MEMBERS PRESENT

Thomas W. Miller, Ph.D., Chair
Barbara K. Jefferson, Ph.D., Vice-Chair
Sally Brenzel, Psy.D.
William G. Elder, Ph.D.
Melissa Hall, M.S.
Eva Markham, Ph.D.
Paula Glasford

MEMBERS ABSENT

Danette Morton-Page, M.A.
Owen Nichols, Psy.D.

OCCUPATIONS & PROFESSIONS STAFF

Julie Jackson, Board Administrator

OTHERS PRESENT

Mark Brengelman, Assistant Attorney General
Emily Calvert
Henry Davis
Jennifer Sanders
Terry Seitz
Virginia Frazier
Camille Grey
Charlie Morgan

A meeting of the Kentucky Board of Examiners of Psychology, Complaint Committee, was called to order at 9:00 a.m., Thursday, November 10, 2011 at the Hilton Downtown in Lexington, KY. A motion was made by Dr. Markham to go into closed session per KRS 61.810 (1)(c) and (j), seconded by Ms. Hall. A motion was made by Dr. Markham to come out of closed session, seconded by Ms. Hall. The committee meeting adjourned at 10:00 a.m.

CALL TO ORDER

Dr. Miller, Ph.D., Chair, called the meeting to order at 10:18 a.m. on November 10, 2011.

MINUTES

The minutes of the October 3, 2011 meeting were called to the attention of the Board. A motion was made by Dr. Markham to approve the minutes as amended. The motion, seconded by Dr. Jefferson, carried.

MONTHLY FINANCIAL REPORT & LEGAL FEES

Financial statement for the month ending October, 2011 and legal fees for September 2011 were presented to the Board. A motion was made by Dr. Markham to accept the financial statement and legal fees. The motion, seconded by Dr. Jefferson, carried. The Board voted with five (5) in favor and one (1), Dr. Elder abstaining.

O & P REPORT

There was no report for this meeting.

LEGAL MATTERS

The Complaints Screening Committee made a motion to go into closed session to discuss *Maggard v. Kentucky Board of Examiners of Psychology*, Franklin Circuit Court per KRS 61:810 (1) (c) and (j). The motion, seconded by Ms. Hall, carried.

A motion was made by Ms. Markham to return to open session. The motion, seconded by Ms. Glasford, carried.

COMPLAINTS SCREENING COMMITTEE

- Case 00-05 – This matter is on-going with discovery in the Franklin Circuit Court and motion practice. The Stay entered by the Franklin Circuit Court and taken up on interlocutory appeal is pending in the Court of Appeals.
- Case 03-12 and 06-05 – The Board will respond to the response to the Notice of Administrative Hearing.
- Case 10-19 – Ongoing.
- Case 10-27 – The Complaints Screening Committee made a motion to accept the presented Settlement Agreement. The motion, seconded by Dr. Elder, carried. The Board voted with all in favor.
- Case 10-30 – Ongoing.
- Case 11-03 A & B – Ongoing.
- Case 11-04 – Ongoing.
- Case 11-07 – Ongoing.
- Case 11-08 – The Complaints Screening Committee made a motion to send an Order for a response to the complaint filed. The motion, seconded by Dr. Brenzel, carried. The Board voted with all in favor.
- Case 11-09 – Ongoing.
- Case 11-10 – The Complaints Screening Committee made a motion to issue a Private Admonishment. The motion was seconded by Ms. Glasford. The Board voted with two (2) in favor and three (3) opposed. Motion failed. A second motion was made by Dr. Jefferson to dismiss the complaint. The motion, seconded by Dr. Elder, carried. The Board voted with three (3) in favor, one (1) opposed, and one (1) abstained.
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- Case 11-13 – Ongoing. Dr. Markham recused herself from the discussion and left the room.
- Case 11-14 – Ongoing.
- Case 11-15 – The Complaints Screening Committee made a motion to investigate the case. The motion, seconded by Dr. Elder carried. Dr. Stan Heck will serve as investigator. Melissa Hall will serve as Case Manager.
- Case 11-18 – The Complaints Screening Committee made a motion to investigate the case. The motion, seconded by Dr. Elder carried. Dr. Dwight Auvenshine will serve as investigator. Melissa Hall will serve as Case Manager.
- Case 11-19 – The Complaints Screening Committee made a motion to investigate the case. The motion, seconded by Dr. Jefferson carried. Dr. Paula Berry will serve as investigator. Eva Markham will serve as Case Manager. Mr. Brengelman will draft a subpoena for records.

The members of the Complaints Screening Committee recused from voting on the above recommendations of the Committee.

COMMITTEE REPORTS

Supervision Committee – Ongoing and routine monitoring.

Continuing Education Committee – Ongoing and routine monitoring.

Credentials Review Committee – Ongoing and routine monitoring.

Examination Committee – The next exam will be held on December 16, 2011. Ms. Hall wrote a new vignette which the board approved.

Disciplined Psychologists Reports – None.

EXPIRED LICENSURE REPORT

There were three expired licenses for the month of July. A motion was made by Ms. Glasford to send a certified letter to these licensees advising them that their license has expired and that they must cease practice. The motion, seconded by Ms. Hall, carried.

OLD BUSINESS

Retention schedule – Discussion was deferred to the December meeting.

NEW BUSINESS

Letter from ASPPB regarding Reciprocity Participation - A discussion was held regarding the letter. Dr. Miller will respond.

Letter from R. Douglas Olds regarding potential conflicts – A discussion was held. Dr. Miller and Mr. Brengelman will draft a response to Dr. Olds.

Posting of Cease and Desist affidavits on Board website – The Board requested that Ms. Jackson post a request on the ASPPB list serve for information on the process that other states use when handling Cease and Desist affidavits, such as are they posted on the state website and if so, for how long?

A motion was made by Dr. Elder to redact the initials of witnesses in the final order and repost to the Board website. The motion, seconded by Dr. Markham, carried. The Board voted with all in favor.

CONFLICTS

Dr. Markham has conflict with Case 11-13 and is recused. She excused herself from the room during discussion of the case. Disclosure of Conflict of Interest Statement has been completed.

SCHEDULE NEXT MEETING

The next Board meeting will be held on December 5, 2011 at the Office of Occupations and Professions, 911 Leawood Drive, Frankfort, KY 40601.

TRAVEL AND PER DIEM

A motion was made by Ms. Glasford to approve payment of travel expenses and per diem compensation for eligible members attending today's meeting. The motion, seconded by Dr. Markham, carried.

ADJOURNMENT

A motion made by Dr. Markham to adjourn the meeting at 12:03p.m. The motion, seconded by Ms. Glasford, carried.

Thomas W. Miller, Ph.D. ABPP